



A REGULAR MEETING OF THE WESLACO CITY COMMISSION

On this 16th day of August 2011 at 5:30 p.m., the City Commission of the City of Weslaco, Texas convened in Regular Session at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

Mayor	Miguel D. Wise
Mayor Pro-Tem	J.F. "Johnny" Cuellar
Commissioner	Robert J. Garza
Commissioner	Olga M. Noriega
Commissioner	Gerardo "Gerry" Tafolla
Commissioner	Lupe V. Rivera
Commissioner	Joe A. Martinez
 City Manager	 Leonardo Olivares
City Secretary	Elizabeth Walker
City Attorney	Ramon Vela

Also present: Rey Garcia, IT Director; Bret Mann, Finance Director; David Salinas, Public Utilities; Oscar Garcia, Public Facilities Director; Police Chief Juan Sifuentes; Fire Marshal Jimmy Cuellar; Jorge Gonzalez, Planning & Code Enforcement; Arnold Becho, Library Director; Lupe Garcia, Parks & Recreation Director; and several other staff members and citizens.

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor Wise called the meeting to order and certified the public notice of the meeting as properly posted Friday, August 12, 2011.

B. Mayoral Proclamations and Recognitions.

The Mayor presented a proclamation to Mr. Pablo Ramirez for his recent success at the National Boxing Championship; he also presented a proclamation in support of the Vietnam War Monument.

C. Invocation.

Pastor Manuel Escamilla of Iglesia Christiana Bethel gave the invocation.

D. Pledge of Allegiance.

Mayor Wise recited the Pledge of Allegiance and the Texas Flag.

E. Roll Call.

Elizabeth Walker, City Secretary, called the roll.

**GOVERNMENT
EXHIBIT
020**

II. STATUS REPORTS AND VISITORS WITH BUSINESS

- A. Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco (EDC), regarding monthly economic development activities and status on the Fiscal Year 2011-2012 EDC workplan and budget. Attachment.

Mr. Gonzalez spoke about the Al Fresco Weslaco event as a tool to attract business, as well as other businesses moving to Weslaco, including PetCo, a steakhouse restaurant, TDI Industries, Southeaster Freight Lines, Construcciones Marquines. Also, he expressed renewed interest at the Mid Valley Airport, with demand for new hangars and services. The Mayor requested a Minute Order that the City Manager meet with the Economic Development Corporation of Weslaco to try to renegotiate some of the 380 agreements.

- B. Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce, regarding monthly chamber activities. Attachment.

Ms. Noell announced that the Chamber held 99 events between October 2010 and July 2011 with 4,934 total attendees. She reported on recent international advertising, ribbon cuttings, beautification committee, and social media activities. The Chamber completed the move to its new, temporary facility on Texas Boulevard.

- C. David Fox and Mary Lopez, with the Boys & Girls Club of Weslaco, regarding quarterly activities.

Ms. Lopez stated that enrollment in the summer program increased to 400 children participating at the Louise Black campus, 7:30 a.m. – 5:30 p.m.; 900 kids are expected to participate this school year.

- D. Salomon Torres, District Director for Congressman Ruben Hinojosa, regarding the federal consideration to close the Kika de la Garza Subtropical Agricultural Research Center of the United States Department of Agriculture (USDA).

Mr. Torres, joined by Mr. Ray Prewitt with Texas Citrus Mutual and John McClung with Texas Producers Association, reported that federal budget cuts may close the USDA facility in Weslaco, eliminating 113 direct jobs, 114 indirect jobs, and a \$27 million annual regional economic impact. He encouraged the City to galvanize opposition to the closure.

III. PUBLIC HEARINGS

- A. To solicit input on a request by Jeff Everitt to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 901 S. Texas Blvd., Weslaco Texas, also being Lot 11 & 12, Block 3, Hollywood Subdivision, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District.”

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to open the public hearing. The motion carried unanimously; Mayor Wise was present, but not voting.

There were no public comments on this item.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to close the public hearing. The motion carried unanimously; Mayor Wise was present, but not voting.

IV. CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of Minutes of the Regular Meeting of August 2, 2011. Attachment.
- B. Approval of the request to close Texas Boulevard/FM 88 from Fifth to Sixth Streets from 3:00 p.m. to 11:00 p.m. on October 1, 2011 for the Seventh Annual Pan de Campo Fundraiser coordinated by the Weslaco Museum of Local History and Cultural Art, waive any fees associated, and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting state right-of-way. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Garza, moved to approve the consent agenda as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

V. NEW BUSINESS

- A. Discussion and consideration after public hearing to approve a request by Jeff Everitt to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 901 S. Texas Blvd., Weslaco Texas, also being Lot 11 & 12, Block 3, Hollywood Subdivision, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business District." First Reading of Ordinance 2011-22. Possible action. Attachment.

The City Manager stated that no comments had been received on this item; both the Planning and Zoning Commission and staff recommend approval. Commissioner Garza, seconded by Commissioner Martinez, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. Discussion and consideration to approve the Preliminary Engineering Report on the Water Treatment Plant as prepared by CDM. Possible action. Attachment.

Ms. Mari Garza-Bird with CDM stated that there had been no improvements to the Water Treatment Plant in twenty years and it is necessary to expand by at least 8 MGD. She stated the Plant can expand on the existing footprint with a minimum capital cost of \$17 million. The Finance Director inquired about the point of diminishing return, at what point production capacity aligns with the term of debt

service; Ms. Garza-Bird stated she could provide that analysis in the forthcoming debt study.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve the Preliminary Engineering Report on the Water Treatment Plant as a draft to include an additional four MGD capacity. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Discussion and consideration to declare that the Water Treatment Plant is exceeding capacity and failing to meet public water demand, thereby creating an imminent threat to public health and safety as per §252.022(a) (2) of the Local Government Code. Possible action.

The City Manager stated this action would allow the City to move forward with construction and address six violations issued by the Texas Commission on Environmental Quality (TCEQ). Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- D. Discussion and consideration to authorize staff to renew or solicit proposals for the following:
1. Employee Group Health Insurance;
 2. Basic Life & Accidental Death & Dismemberment;
 3. Commercial Insurance Package; and
 4. Workers' Compensation Coverage.
- Possible action. (There was no action on this item July 19, 2011.) Attachment.

Mayor Pro-Tem Cuellar moved to approve extension of existing coverage for one more year on 1) Employee Group Health Insurance and 2) Basic Life & Accidental Death & Dismemberment, to authorize request for proposals for 3) Commercial Insurance Package, and to authorize request for proposals to include the option of self-funded insurance for 4) Worker's Compensation coverage. Mayor Pro-Tem Cuellar amended his motion to state items one and two should be renewed with the agent of record; Commissioner Rivera seconded the motion with amendment. The motion carried unanimously; Mayor Wise was present, but not voting.

- E. Discussion and consideration to update City of Weslaco building and safety codes as recommended in the 2006 International Code Congress (There was no action on this item June 21, 2011.):

1. To adopt the 2006 Edition of the International Building Code Property and Maintenance Standards for the regulation and governing of conditions and maintenance of all property, including the condemnation and demolition of structures unfit for human occupancy and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-07. Possible action. Attachment.

2. To adopt the 2006 Edition of the International Existing Building Code for the

regulation and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-08. Possible action. Attachment.

3. To adopt the 2006 Edition of the International Residential Code for the regulation and governing of construction, replacements, repairs and demolition of detached one and two family dwellings and multiple single family dwellings; providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-09. Possible action. Attachment.

4. To adopt the 2006 Edition of the International Energy Conservation Code for the regulation and governing of energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-10. Possible action. Attachment.

5. To adopt the 2006 Edition of the International Fire Code for the regulation and governing the safeguarding of life and property from fire and explosion hazards and from conditions hazardous to life or property in the occupancy of buildings and premises and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-11. Possible action. Attachment.

6. To adopt the 2006 Edition of the International Plumbing Code for the regulation and governing of design, construction, quality, installation, relocation, etc.; use or maintenance of plumbing systems; and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-12. Possible action. Attachment.

7. To adopt the 2006 Edition of the International Mechanical Code for the regulation and governing of design, construction, quality, installation, relocation, etc.; use or maintenance of mechanical systems; and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-13. Possible action. Attachment.

8. To adopt the 2006 Edition of the International Fuel Gas Code for the regulation and governing of fuel gas systems and gas-fired appliances and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-14. Possible action. Attachment.

9. To adopt the NFPA Life Safety Code 101-2006 Edition relating to construction and to maintenance of buildings and public safety, health and general welfare; and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-15. Possible action. Attachment.

The City Manager stated the City currently follows the 2003 code; these changes would update to the 2006 standard. Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve item E 1-9 as presented, including first reading of Ordinances 2011-07, 2011-08, 2011-09, 2011-10, 2011-11, 2011-12,

2011-13, 2011-14, and 2011-15. The motion carried unanimously; Mayor Wise was present, but not voting.

- F. Discussion and consideration to adopt the 2008 National Electrical Code as the Electrical Code of the City. First Reading of Ordinance 2011-21. Possible action. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve the item as presented, including first reading of Ordinance 2011-21. The motion carried unanimously; Mayor Wise was present, but not voting.

- G. Discussion and consideration to declare and dispose of surplus property from all City departments through a public auction as per Ordinance No. 86-08 and authorize a public auction at the Public Facilities building on August 27, 2011. Possible action. Attachment.

Commissioner Garza, seconded by Commissioner Rivera, moved to approve the item as presented including the supplemental listing of property. The motion carried unanimously; Mayor Wise was present, but not voting.

- H. Discussion and consideration to approve the Memorandum of Understanding with the South Texas Chapter of the American Red Cross to provide staffing assistance to Red Cross approved shelters within City Limits prior to and after a major critical incident and authorize the Mayor to execute any related documents. Possible action. Attachment.

The City Manager stated that agreements are in place with the local Red Cross; this agreement is with the national organization. Commissioner Rivera, seconded by Commissioner Martinez, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

VI. CITY MANAGER'S REPORT

- A. Report on Departmental Update, General Fund Balance, Upcoming Meetings and Appointments.

The City Manager reported that traffic court is temporarily suspended on the weekends and library hours have been expanded with fewer staff.

The Finance Director presented a comprehensive report on the General Fund balance, noting revenue spikes in January because of ad valorem receipts and relatively constant expenses. The fund balance as of July 31 was \$1.3 million; the City is off-budget by 1%, so the fund is catching up from the expense of the Voluntary Separation Plan.

- B. Report by Police Department.

Chief Sifuentes reported the Police Department received 15,642 calls for service in

the past six months, since he became Chief. The department categorized the evidence room and soon will initiate a Reserve Corps; the City Manager commended the Chief and Department for doing more with less.

C. 2011 Texas Comptroller Leadership Circle Recognition.

The City received the Silver designation from the Texas Comptroller Leadership Circle for its efforts in fiscal transparency.

D. Report on Pending Litigation. Attachment.

The City Manager stated that the case of Lopez v. City of Weslaco was dismissed in court today; the City takes litigation very seriously, is fighting each case and winning.

VII. PUBLIC COMMENTS

Mr. Bernie Saenz with VIDA thanked the Commission and the City for its support of the organization.

VIII. EXECUTIVE SESSION

At 7:26 p.m., Mayor Wise recessed the regular meeting to convene in Executive Session.

At 7:57 p.m., Mayor Wise announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

- A. Pending Litigation – Discussion with City Attorney regarding C-1834-08-E, Zequiell Montez, Gabriel Montez, Nora Montez, Irma M. Torres and Norma Garcia v. The City of Weslaco, Defendants pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

- B. Potential Litigation – Discussion with the City Attorney regarding a demand letter sent by Jones Galligan Key & Lozano, Attorneys, on behalf of Sigler Winston Greenwood & Associates as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

- C. Potential Litigation – Discussion with the City Attorney regarding the liability of Hidalgo and Cameron Counties Irrigation District No. 9 on the installation of the drainage line for Walgreens Project as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

- D. Potential Litigation – Discussion with the City Attorney regarding a request for compensation by Jones Construction on the Weslaco Landing Rights Air Facility

Project as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

X. ADJOURNMENT

With no other business before the Commission, at 7:58 p.m. Commissioner Tafolla, seconded by Commissioner Martinez, moved to adjourn the August 16, 2011 meeting. The motion carried unanimously; Mayor Wise was present, but not voting.

CITY OF WESLACO

MAYOR, Miguel D. Wise

ATTEST:

CITY SECRETARY, Elizabeth M. Walker

MAYOR PRO-TEM, J.F. “Johnny” Cuellar

COMMISSIONER, Robert J. Garza

COMMISSIONER, Olga M. Noriega

COMMISSIONER, Gerardo “Gerry” Tafolla

COMMISSIONER, Lupe V. Rivera

COMMISSIONER, Joe A. Martinez